

(3) Any company (other than an insured depository institution or subsidiary thereof) that is a party to the covered agreement.

(m) *Term of agreement.* An agreement that does not have a fixed termination date is considered to terminate on the last date on which any party to the agreement makes any payment or provides any loan or other resources under the agreement, unless the relevant supervisory agency for the agreement otherwise notifies each party in writing.

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

Sec.

- 208.1 Authority, purpose, and scope.
- 208.2 Definitions.
- 208.3 Application and conditions for membership in the Federal Reserve System.
- 208.4 Capital adequacy.
- 208.5 Dividends and other distributions.
- 208.6 Establishment and maintenance of branches.
- 208.7 Prohibition against use of interstate branches primarily for deposit production.

Subpart B—Investments and Loans

- 208.20 Authority, purpose, and scope.
- 208.21 Investments in premises and securities.
- 208.22 Community development and public welfare investments.
- 208.23 Agricultural loan loss amortization.
- 208.24 Letters of credit and acceptances.
- 208.25 Loans in areas having special flood hazards.

Subpart C—Bank Securities and Securities-Related Activities

- 208.30 Authority, purpose, and scope.
- 208.31 State member banks as transfer agents.
- 208.32 Notice of disciplinary sanctions imposed by registered clearing agency.
- 208.33 Application for stay or review of disciplinary sanctions imposed by registered clearing agency.
- 208.34 Recordkeeping and confirmation of certain securities transactions effected by State member banks.
- 208.35 Qualification requirements for transactions in certain securities. [Reserved]
- 208.36 Reporting requirements for State member banks subject to the Securities Exchange Act of 1934.

- 208.37 Government securities sales practices.

Subpart D—Prompt Corrective Action

- 208.40 Authority, purpose, scope, other supervisory authority, and disclosure of capital categories.
- 208.41 Definitions for purposes of this subpart.
- 208.42 Notice of capital category.
- 208.43 Capital measures and capital category definitions.
- 208.44 Capital restoration plans.
- 208.45 Mandatory and discretionary supervisory actions under section 38.

Subpart E—Real Estate Lending and Appraisal Standards

- 208.50 Authority, purpose, and scope.
- 208.51 Real estate lending standards.

Subpart F—Miscellaneous Requirements

- 208.60 Authority, purpose, and scope.
- 208.61 Bank security procedures.
- 208.62 Suspicious activity reports.
- 208.63 Procedures for monitoring Bank Secrecy Act compliance.
- 208.64 Frequency of examination.

Subpart G—Financial Subsidiaries of State Member Banks

- 208.71 What are the requirements to invest in or control a financial subsidiary?
- 208.72 What activities may a financial subsidiary conduct?
- 208.73 What additional provisions are applicable to state member banks with financial subsidiaries?
- 208.74 What happens if the state member bank or a depository institution affiliate fails to continue to meet certain requirements?
- 208.75 What happens if the state member bank or any of its insured depository institution affiliates receives less than a “satisfactory” CRA rating?
- 208.76 What Federal Reserve approvals are necessary for financial subsidiaries?
- 208.77 Definitions.

Subpart H—Consumer Protection in Sales of Insurance

- 208.81 Purpose and scope.
- 208.82 Definitions for purposes of this subpart.
- 208.83 Prohibited practices.
- 208.84 What you must disclose.
- 208.85 Where insurance activities may take place.
- 208.86 Qualification and licensing requirements for insurance sales personnel.

APPENDIX A TO SUBPART H—CONSUMER GRIEVANCE PROCESS

Subpart I—Interpretations

208.100 Sale of bank's money orders off premises as establishment of branch office.

208.101 Obligations concerning institutional customers.

APPENDIX A TO PART 208—CAPITAL ADEQUACY GUIDELINES FOR STATE MEMBER BANKS: RISK-BASED MEASURE

APPENDIX B TO PART 208—CAPITAL ADEQUACY GUIDELINES FOR STATE MEMBER BANKS: TIER 1 LEVERAGE MEASURE

APPENDIX C TO PART 208—INTERAGENCY GUIDELINES FOR REAL ESTATE LENDING POLICIES

APPENDIX D-1 TO PART 208—INTERAGENCY GUIDELINES ESTABLISHING STANDARDS FOR SAFETY AND SOUNDNESS

APPENDIX D-2 TO PART 208—INTERAGENCY GUIDELINES ESTABLISHING INFORMATION SECURITY STANDARDS

APPENDIX E TO PART 208—CAPITAL ADEQUACY GUIDELINES FOR STATE MEMBER BANKS: MARKET RISK MEASURE

AUTHORITY: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321-338a, 371d, 461, 481-486, 601, 611, 1814, 1816, 1820(d)(9), 1823(j), 1828(o), 1831, 1831o, 1831p-1, 1831r-1, 1831w, 1831x, 1835a, 1882, 2901-2907, 3105, 3310, 3331-3351, and 3906-3909, 15 U.S.C. 78b, 781(b), 781(g), 781(i), 78o-4(c)(5), 78q, 78q-1, 78w, 1681s, 1681w, 6801 and 6805; 31 U.S.C. 5318, 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

SOURCE: Reg. H, 17 FR 8006, Sept. 4, 1952, unless otherwise noted.

Subpart A—General Membership and Branching Requirements

SOURCE: 63 FR 37637, July 13, 1998, unless otherwise noted.

§ 208.1 Authority, purpose, and scope.

(a) *Authority.* Subpart A of Regulation H (12 CFR part 208, Subpart A) is issued by the Board of Governors of the Federal Reserve System (Board) under 12 U.S.C. 24, 36; sections 9, 11, 21, 25 and 25A of the Federal Reserve Act (12 U.S.C. 321-338a, 248(a), 248(c), 481-486, 601 and 611); sections 1814, 1816, 1818, 1831o, 1831p-1, 1831r-1 and 1835a of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1814, 1816, 1818, 1831o, 1831p-1, 1831r-1, and 1835); and 12 U.S.C. 3906-3909.

(b) *Purpose and scope of Part 208.* The requirements of this part 208 govern State member banks and state banks applying for admission to membership in the Federal Reserve System (Sys-

tem) under section 9 of the Federal Reserve Act (Act), except for § 208.7, which also applies to certain foreign banks licensed by a State. This part 208 does not govern banks eligible for membership under section 2 or 19 of the Act.¹ Any bank desiring to be admitted to the System under the provisions of section 2 or 19 should communicate with the Federal Reserve Bank with which it would like to become a member.

(c) *Purpose and scope of Subpart A.* This Subpart A describes the eligibility requirements for membership of state-chartered banking institutions in the System, the general conditions imposed upon members, including capital and dividend requirements, as well as the requirements for establishing and maintaining branches.

§ 208.2 Definitions.

For the purposes of this part:

(a) *Board of Directors* means the governing board of any institution performing the usual functions of a board of directors.

(b) *Board* means the Board of Governors of the Federal Reserve System.

(c) *Branch.* (1) Branch means any branch bank, branch office, branch agency, additional office, or any branch place of business that receives deposits, pays checks, or lends money. A branch may include a temporary, seasonal, or mobile facility that meets these criteria.

(2) *Branch* does not include:

(i) A loan origination facility where the proceeds of loans are not disbursed;

(ii) An office of an affiliated or unaffiliated institution that provides services to customers of the member bank on behalf of the member bank so long as the institution is not established or operated by the bank;

¹Under section 2 of the Federal Reserve Act, every national bank in any state shall, upon commencing business, or within 90 days after admission into the Union of the State in which it is located, become a member of the System. Under section 19 of the Federal Reserve Act, national banks and banks organized under local laws, located in a dependency or insular possession or any part of the United States outside of the States of the United States and the District of Columbia, are not required to become members of the System but may, with the consent of the board, become members of the System.